

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA  
Southern Division

**U.S.A. vs. Daniel Derill Sutton**

**Docket No. 7:05-CR-27-1F**

**Petition for Action on Supervised Release**

COMES NOW Pamela O. Thornton, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Daniel Derill Sutton, who, upon an earlier plea of guilty to Possession of a Firearm by a Convicted Felon, 18 U.S.C. § 922 (g)(1), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge on September 20, 2005, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Daniel Derill Sutton was released from custody on December 6, 2013, at which time the term of supervised release commenced.

On January 7, 2015, the court was apprised the releasee had tested positive for the use of cocaine. The releasee was referred to substance abuse treatment and his urinalysis was intensified. It was recommended that no further action be taken at that time.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On March 19, 2015, the releasee was charged with Driving While License Revoked, Case # 15CR702533, in New Hanover County District Court. The releasee admitted to driving his car without a license. He stated that he has hired an attorney to dispose of some outstanding warrants he incurred prior to his arrest for the instant offense. Once they are disposed of he can petition the DMV to get his license restored.

On March 26, 2015, the releasee was arrested by the New Hanover County Sheriff's Department and charged with Driving While License Revoked, Resisting Public Officer and Alter, Steal, Destroy Criminal Evidence in Case 15CR 05425. According to the arresting officers, the releasee stopped at a hotel under surveillance in Wilmington, a girl got in his car and he drove away. Down the street, he stopped and let the girl out. The officers followed him and thought his actions were suspicious, so they pulled him over. The releasee was charged with driving without a license, resisting arrest and swallowing narcotics while the officers were performing a strip search. The charges are pending disposition in New Hanover County District Court, Wilmington, NC.

Upon questioning the releasee, he admitted he had stopped at the hotel and picked up the girl. He admits to driving his vehicle with a revoked license, but denies that he resisted arrest or withheld evidence from the officers. He stated that he plans to fight the charges in State Court.

To address the DWLR charges, the probation officer recommends the releasee perform community service as a sanction. The releasee admits to the violation behavior and has agreed to do community service. The probation officer is recommending that the other charges for Resisting Arrest and Destroying Evidence, be held in abeyance to allow the state court to dispose of the case.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Pamela O. Thornton

Pamela O. Thornton  
Senior U.S. Probation Officer  
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Executed On: July 10, 2015

**ORDER OF THE COURT**

Considered and ordered this 13<sup>th</sup> day of July, 2015 and ordered filed and made a part of the records in the above case.

James C. Fox

James C. Fox  
Senior U.S. District Judge